

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

UNITED STATES OF AMERICA )  
 )  
 )  
 )  
v. ) No. 1:05-CR-71  
 ) Judge Curtis L. Collier  
 )  
 )  
DAVID JENNINGS )

**ORDER**

The defendant has filed a Motion to Determine Mental Competency (Court File No. 8). The motion was referred to United States Magistrate Judge Susan K. Lee to conduct an evidentiary hearing and make a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). The magistrate judge has filed a report and recommendation (Court File No. 19). Neither party filed objections within the given ten days.

After reviewing the record and the applicable law, the Court agrees with the magistrate judge's findings of fact and conclusions of law. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(C) and hereby **ORDERS** the following:

(1) The defendant is competent to understand the nature and consequences of the proceedings against him and is able to assist in his defense; and

(2) The defendant is competent to stand trial.

**SO ORDERED.**

**ENTER:**

/s/

**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**